

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:22cr58-LG-BWR

PATRICK DARNELL DANIELS, JR

SECOND UNOPPOSED MOTION TO CONTINUE

The United States of America (“Government”), by and through its undersigned counsel, respectfully submits this Motion to Continue. For the reasons set forth below, the Government respectfully requests that the Court continue the trial and all associated deadlines through the next trial term.

1. The Solicitor General has obtained an extension of time to June 5, 2005, in which to file a petition for certiorari with the Supreme Court.
2. Within the request for an extension of time filed with the Supreme Court, the Solicitor General indicated that he had not made a final decision as to whether to seek certiorari in this case, due to other cases, a recent executive order, and other administrative processes.
3. If the Government ultimately seeks certiorari, then that could impact the need for a trial in this matter and/or the potential elements that might need to be proven at trial.
4. If the Government ultimately does not seek certiorari and/or the Government’s request for certiorari is denied, then additional time will be needed to prepare this matter for trial as it was originally tried in 2022, and the Fifth Circuit has essentially established new elements for a Section 922(g)(3) offense.
5. Undersigned counsel has consulted with counsel for the Defendant who have indicated that they do not oppose this request.
6. The Defendant is not currently detained pending trial.

Therefore, the Government respectfully requests that the Court enter an order continuing this matter, finding that the delay is necessary and in the interest of justice, and excluding the delay resulting from this motion under the Speedy Trial Act.

Respectfully submitted,

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